

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHARLES TAYLOR LIMITED,

Plaintiff,

-against-

HEBEI MIAOHONG METAL PRODUCTS CO.
INC.; FREDERICK B. FOSTER; PAMELA R.
JOHNSTON, sole proprietor, doing business as
Avions De Transport Regional GIE; JOHN DOE and
JANE DOE, numbers 1 through 10; and ABC
COMPANY, numbers 1 through 10,

Defendants.

Civil Action No. 23-cv-1466 (DEH)

**~~PROPOSED~~
DEFAULT JUDGMENT
AGAINST HEBEI MIAOHONG
METAL PRODUCTS CO. INC.
AND PAMELA R. JOHNSTON**

This action having been commenced on February 22, 2023, by the filing of a Complaint, Civil Cover Sheet, and Rule 7.1 Corporate Disclosure Statement; and

The Complaint having been amended on May 17, 2023, by the filing of an Amended Complaint, together with requests for the issuance of Summonses to Defendants Hebei Miaohong Metal Products Co. Inc. (“Hebei Metal”) and Pamela R. Johnston, sole proprietor, doing business as Avions De Transport Regional GIE (“Johnston”); and

Summonses having been issued by the Court to Defendants Hebei Metal and Johnston on May 18, 2023; and

Copies of the Summons, Amended Complaint, Civil Cover Sheet, Rule 7.1 Corporate Disclosure Statement, Individual Rules of Practice in Civil Cases of the Honorable Mary Kay Vyskocil, and Electronic Case Filing Rules & Instructions having been served on Defendant Hebei Metal on May 26, 2023, by serving the New York Secretary of State as registered agent in

accordance with Fed. R. Civ. P. 4(e)(1) and N.Y. CPLR § 306, and proof of service having been filed with the Court on June 1, 2023; and

Hebei Metal not having answered the Amended Complaint, and the time for Hebei Metal to answer the Amended Complaint having expired; and

Copies of the Summons, Amended Complaint, Civil Cover Sheet, Rule 7.1 Corporate Disclosure Statement, Individual Rules of Practice in Civil Cases of the Honorable Mary Kay Vyskocil, and Electronic Case Filing Rules & Instructions having been served on Defendant Johnston on May 25, 2023, by serving her personally at her residence located at 835 Twilight Trail, Grapevine, TX 76051-4140 pursuant to Fed. R. Civ. P. 4(e)(2)(A), and proof of service having been filed with the Court on June 1, 2023; and

Johnston not having answered the Amended Complaint, and the time for Johnson to answer the Amended Complaint having expired; and

Plaintiff Charles Taylor Limited (“Plaintiff”) having filed on July 20, 2023, a Notice of Voluntary Dismissal of Defendants Frederick B. Foster, John Doe and Jane Doe numbers 1 through 10, and ABC Company numbers 1 through 10 pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), which Notice of Voluntary Dismissal was So-Ordered by the Court on November 7, 2023; and

Upon the application of Plaintiff, the Clerk of the Court having issued a Certificate of Default as to Defendants Hebei Metal and Johnston on July 24, 2023; and

Plaintiff having filed on August 18, 2023, a motion for default judgment against Defendants Hebei Metal and Johnston pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and Rules 55.1 and 55.2(b) of the Local Rules for the Southern and Eastern Districts of New York; and

Copies of Plaintiff's motion for default judgment against Defendants Hebei Metal and Johnston having been served on Defendants Hebei Metal and Johnston on August 18, 2023, by Federal Express Overnight, and proof of service having been filed with the Court on August 18, 2023; and

This action having been reassigned to the Honorable Dale E. Ho, United States District Judge, on October 17, 2023; and

The Court having issued an Order on November 7, 2023, directing Defendants Hebei Metal and Johnston to (a) file any opposition to Plaintiff's motion for default judgment by November 17, 2023, and (b) appear and show cause before the Court on December 1, 2023, why an Order should not be issued granting a default judgment against Defendants Hebei Metal and Johnston; and

Copies of the Court's Order dated November 7, 2023, having been served on Defendants Hebei Metal and Johnston on November 8, 2023, by Federal Express Overnight, and proof of service having been filed with the Court on November 9, 2023; and

Copies of the Court's Order dated November 7, 2023, having been further served on Defendant Hebei Metal on November 9, 2023, by serving the New York Secretary of State as registered agent, and proof of service having been filed with the Court on November 10, 2023; and

No opposition to Plaintiff's motion for default judgment having been filed by Defendants Hebei Metal and Johnston; and

The Court having conducted a hearing by telephone on December 1, 2023, in accordance with the instructions set forth in the Court's Order dated November 7, 2023; and

Defendants Hebei Metal and Johnston having failed to appear and show cause before the Court on December 1, 2023, why an Order should not be issued granting a default judgment against them; and

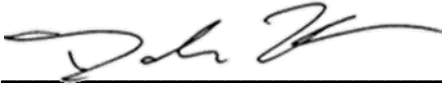
NOW, THEREFORE, upon the motion of Plaintiff Charles Taylor Limited, by and through its attorneys Carter Ledyard & Milburn LLP, for default judgment against Defendants Hebei Metal and Johnston pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and Rules 55.1 and 55.2(b) of the Local Rules for the Southern and Eastern Districts of New York, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiff Charles Taylor Limited, having an address of 21 Mincing Lane, London EC3R 7AG, England, have judgment against Defendant Hebei Miaohong Metal Products Co. Inc., having an address of 220 Edgecombe Avenue, Apartment 2R, New York, New York 10030, in the liquidated amount of \$700,174.33, and that Plaintiff Charles Taylor Limited shall have execution on such amounts therefor; and

2. Plaintiff Charles Taylor Limited, having an address of 21 Mincing Lane, London EC3R 7AG, England, have judgment against Defendant Pamela R. Johnston, sole proprietor, doing business as Avions De Transport Regional GIE, having an address of 835 Twilight Trail, Grapevine, TX 76051-4140, in the liquidated amount of \$1,388,005.68, and that Plaintiff Charles Taylor Limited shall have execution on such amounts therefor.

Dated: New York, New York

December 4, 2023



Honorable Dale E. Ho, U.S.D.J.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 29.